

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KAITLIN WILLIAMS, a minor, by her mother,)
CARMELLA ROLLINS)
Plaintiff,)
v.) Case No.
UNITED STATES OF AMERICA,)
Defendant.)

PLAINTIFF'S COMPLAINT AT LAW

The Plaintiff, KAITLIN WILLIAMS, a minor, by her mother, CARMELLA ROLLINS, by their attorneys, MELANIE GRABAVOY CONVISER & ASSOCIATES, and complaining of the Defendant, the UNITED STATES OF AMERICA, states as follows:

PRELIMINARY STATEMENT

1. Plaintiff, KAITLIN WILLIAMS, a minor, by her mother, CARMELLA ROLLINS, files this action against the UNITED STATES OF AMERICA for the medical negligence of its agents and/or employees, Barbara Doran, C.N.M., and Access Community Health Network, Chicago, Illinois, which proximately caused injury to the minor Plaintiff.

2. On May 8, 2013, Plaintiff presented an administrative tort claim for medical negligence to the U.S. Department of Health & Human Services (See a true and correct copy of Plaintiff's claim for damages, injury or death which is attached hereto marked as **Exhibit "A"** and made a part hereof).

3. On September 9, 2013, Plaintiff was notified by the U.S. Department of Health & Human Services that her administrative tort claim was denied (See a true and correct copy of

Plaintiff's Claim for Damages, Injury and Death marked as **Exhibit "B"** and made a part hereof).

4. The cause of action in the present complaint is the same cause of action contained in the claim made by Plaintiff on May 8, 2013 and denied by the U.S. Department of Health & Human Services on September 9, 2013.

JURISDICTION

5. This Court has jurisdiction because the UNITED STATES OF AMERICA is a party under the Federal Torts Claim Act, 28 U.S.C. Sec. 1346(b), 2401(b) and 2671 et seq.

6. Venue in this district is proper as all the events complained of herein took place in Chicago, Illinois which is in this District.

THE PARTIES

7. Plaintiff, KAITLIN WILLIAMS, a minor, by her mother, CARMELLA ROLLINS, was and is at all relevant times a resident of the State of Illinois.

8. Defendant, the Federal Government of the UNITED STATES OF AMERICA, provides Federal funding, by way of grant monies, through the U.S. Department of Health & Human Services to Access Community Health Network, which employs Barbara Doran, C.N.M. as a certified nurse midwife.

MEDICAL NEGLIGENCE

Plaintiff, KAITLIN WILLIAMS, a minor, by her mother, CARMELLA ROLLINS, incorporates by reference the forgoing paragraphs of this complaint as if fully set forth herein and further alleges:

9. The U.S. Department of Health & Human Services is a Department of the Government of the UNITED STATES OF AMERICA.

10. On or about June 8, 2011, Access Community Health Network was a corporation

licensed by the State of Illinois and engaged in the business of providing medical services to patients.

11. On or about June 8, 2011, Access Community Health Network received Federal funding through grant monies provided by the Department of Public Health Services pursuant to U.S.C. Section 223.

12. On or about June 8, 2011, Barbara Doran, C.N.M.. was a certified nurse midwife licensed to practice as a midwife, by the State of Illinois and, engaged in the practice of midwifery through Access Community Health Network in Chicago, Cook County, Illinois.

13. At all times material, the UNITED STATES OF AMERICA, through its agents and/or employees of Access Community Health Network was engaged in the business of providing medical services, through its multiple health centers owned and/or operated by Access Community Health Network, within Chicago, Cook County, Illinois, to individuals seeking medical care and treatment.

14. On or about June 8, 2011, Defendant, the UNITED STATES OF AMERICA through its agents and/or employees of Access Community Health Network assigned Barbara Doran, C.N.M. to Mt. Sinai Medical Center to provide medical care and treatment to include midwifery services to patients of Access Community Health Network.

15. Prior to and on or about June 8, 2011, CARMELLA ROLLINS was a prenatal patient of Access Community Health Network at one of its multiple affiliated healthcare centers.

16. On or about June 8, 2011, CARMELLA ROLLINS presented at Mt. Sinai Medical Center as a prenatal patient of Access Community Health Network and was assigned to Barbara Doran, C.N.M. for her medical care and treatment while she was a patient at Mt. Sinai Medical Center.

17. At all times material, the relationship of midwife-patient existed between CARMELLA ROLLINS and the UNITED STATES OF AMERICAN through its agents and/or employees, Barbara Doran, C.N.M., and Access Community Health Network.

18. During this midwife-patient relationship, the UNITED STATES OF AMERICA through its agents and/or employees Barbara Doran, C.N.M., and Access Community Health Network had a duty to CARMELLA ROLLINS to treat her in accordance with the accepted standards of prevailing midwifery practice and opinion in the Chicago area.

19. On or about June 8, 2011, Defendant, the UNITED STATES OF AMERICA through its agents and/or employees Barbara Doran, C.N.M., and Access Community Health Network, while participating in the delivery of KAITLIN WILLIAMS, the unborn child of CARMELLA ROLLINS, committed in a careless and negligent manner one or more of the following acts and/or omissions:

- a. Failed to obtain the medical assistance of the designated covering attending physician and/or house officer who was responsible for covering labor and delivery at Mount Sinai Hospital, when encountering a possible shoulder dystocia;
- b. Failed to implement proper maneuvers to resolve the shoulder dystocia; so as to avoid injury and/or trauma to the infant;
- c. Failed to prepare for the safe delivery of the infant after encountering a shoulder dystocia;
- d. Failed to obtain medical assistance qualified to perform a caesarian section knowing a shoulder dystocia was encountered;
- e. Employed excessive lateral traction on the infant's neck at the time of birth so as to inflict the infant with permanent injury by stretching, tearing or otherwise avulsing the brachial plexus roots between C5-C7-8 on the right side;
- f. Failed to document in the medical records the maneuvers attempted to relieve the shoulder dystocia, if any maneuvers were even performed;

- g. Failed to perform appropriate maneuvers after encountering the shoulder so as to avoid injury to the unborn child;
- h. Failed to document in the medical records the time and duration of the shoulder dystocia;
- i. Failed to inform CARMELLA ROLLINS of the risks of delivering a child of an estimated antepartum weight of nearly 10 lbs.;
- j. Failed to warn CARMELLA ROLLINS of the possibility that a severe and permanent injury could occur to her and/or her unborn child as a result of the performance of non-operative delivery; and
- k. Failed to fully appreciate that CARMELLA ROLLINS was in a high risk situation which necessitated operative surgery through cesarean section to prevent injury to the infant.

20. As a direct and proximate result of one or all of these wrongful acts or omissions of Defendant, the UNITED STATES OF AMERICA through its agents and/or employees, Barbara Doran, C.N.M., and Access Community Health Network, the infant, KAITLIN WILLIAMS required both inpatient and outpatient care and treatment and sustained severe and permanent injuries which have and will in the future cause her great physical pain, disfigurement and mental suffering, and she has been and will in the future be prevented from attending to her affairs and occupations, all of which damages are continuing and permanent.

21. Attached as **Exhibit “C”** is a report from a physician licensed to practice medicine in Illinois stating that a reasonable and meritorious cause exists for the filing of this action.

22. Attached as **Exhibit “D”** is an affidavit of Melanie Grabavoy Conviser, stating that she has concluded on the basis of a health professional’s review and consultation that there is a meritorious cause for filing this action.

WHEREFORE, KAITLIN WILLIAMS, a minor, by her mother, CARMELLA ROLLINS, prays this Honorable Court enters Judgment in Plaintiff’s favor against the Defendant, the

UNITED STATES OF AMERICA through its agents and/or employees Barbara Doran, C.N.M., and Access Community Health Network, in the amount of \$10,000,000.00 plus Plaintiff's costs and for such other relief as this Honorable Court deems just and equitable.

Respectfully submitted,

One of the Attorneys for Plaintiff

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